

**COUNCIL**  
24 June 2009

ABERDEEN CITY COUNCIL

Town House,  
ABERDEEN, 24<sup>th</sup> June, 2009

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

S e d e r u n t :

Lord Provost Peter Stephen, Chairperson;  
Depute Provost John West; and

COUNCILLORS

GEORGE ADAM  
MARIE BOULTON  
SCOTT CASSIE  
RONALD CLARK  
NORMAN COLLIE  
NEIL COONEY  
JOHN CORALL  
IRENE CORMACK  
WILLIAM CORMIE  
BARNEY CROCKETT  
KATHARINE DEAN  
ALAN DONNELLY  
JACQUELINE DUNBAR  
JAMES FARQUHARSON  
NEIL FLETCHER  
GORDON GRAHAM  
MARTIN GREIG

JAMES KIDDIE  
GORDON LESLIE  
CALLUM McCAIG  
MARK McDONALD  
AILEEN MALONE  
ANDREW MAY  
ALAN MILNE  
JAMES NOBLE  
GEORGE PENNY  
JOHN REYNOLDS  
RICHARD ROBERTSON  
JENNIFER STEWART  
JOHN STEWART  
KEVIN STEWART  
WENDY STUART  
KIRSTY WEST  
JILLIAN WISELY

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JAMES HUNTER  
LEONARD IRONSIDE  
MURIEL JAFFREY

WILLIAM YOUNG  
and  
IAN YUILL

Lord Provost Peter Stephen, in the Chair

**1 ANNOUNCEMENTS**

(A) The Lord Provost advised that there had been a good turnout at the Councillors' Service on 24<sup>th</sup> May, thanked those members who had attended, and stated that it would be held on an annual basis.

(B) The Lord Provost highlighted that hundreds of pounds had been raised for the Lord Provost's Charitable Trust by the Council team which ran in the Baker Hughes 10K on 24<sup>th</sup> May. The Lord Provost thanked Councillor John Stewart, Gordon Edwards, Ewan Sutherland, Jeff Capstick, Bill Taylor and Keith Tennant for their efforts.

(C) The Lord Provost advised that Aberdeen had won the Meff Spence Bowling Trophy for the first time in three years by defeating Dundee 176 to 109 on 17<sup>th</sup> June. The Lord Provost thanked the Council team in particular which comprised Alan Buck, Mike Mathieson, George Milne and Martyn Orchard.

(D) The Lord Provost highlighted that chief fire officer David Dalziel had recently completed 40 years' service at Grampian Fire and Rescue Service.

(E) Councillor John Stewart paid tribute to Professor Charles Duncan Rice, Principal and Vice-Chancellor of the University of Aberdeen, who had been knighted for services to higher education in the Queen's birthday honours list.

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(F) Councillor Boulton made reference to the Culter Primary School blog, which was currently in first place in an online competition for the best school blog in the UK and encouraged members to vote before the competition ended.

**The Council resolved:-**

to concur with the remarks of the Lord Provost and other elected members.

**22 MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 20TH MAY 2009**

The Council had before it the minute of meeting of Aberdeen City Council of 20<sup>th</sup> May 2009.

Councillor Kevin Stewart moved as a procedural motion, seconded by Councillor Dean:-

That in order to provide clarification, page 672 of the minute be amended in respect of additional recommendation (3) within Article 12 to add “for construction” after “to agree that the progression” in relation to the 50 metre pool.

On a division, there voted:-

For the procedural motion (18) - Lord Provost Peter Stephen; Depute Provost John West; and Councillors Clark, Corall, Cormack, Dean, Dunbar, Greig, Jaffrey, Kiddie, McCaig, McDonald, Malone, May, Noble, Reynolds, Kevin Stewart and Kirsty West.

Against the procedural motion (6) - Councillors Collie, Crockett, Graham, Hunter, Ironside and Young.

Declined to vote (5) - Councillors Boulton, Farquharson, Penny, John Stewart and Yuill.

Absent from the division (12) - Councillors Adam, Cassie, Cooney, Cormie, Donnelly, Fletcher, Leslie, Milne, Robertson, Jennifer Stewart, Wendy Stuart and Wisely.

**The Council resolved:-**

- (i) to adopt the procedural motion; and
- (ii) to approve the minute subject to the amendment contained within the procedural motion.

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**In terms of Standing Order 15(6) Councillors Crockett, Graham, Hunter, Ironside and Young intimated their dissent against the foregoing decision.**

**3 MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 28TH MAY 2009**

The Council had before it the minute of meeting of the Urgent Business Committee of 28<sup>th</sup> May 2009.

**The Council resolved:-**  
to approve the minute.

**4 PAMPHLET OF MINUTES**

The Council had before it a pamphlet of standing committee minutes from 27<sup>th</sup> April to 21<sup>st</sup> May 2009.

**The Council resolved:-**  
to note the minutes.

**5 CHIEF EXECUTIVE'S PROGRESS REPORT**

With reference to Article 15 of the minute of its meeting of 20<sup>th</sup> May 2009, the Council had been circulated in advance of the meeting with a report by the Chief Executive providing details on progress on corporate and service specific issues throughout the Council since May 2009.

**The Council resolved:-**  
to note the information detailed in the report.

**6 LEADERSHIP BOARD UPDATE**

With reference to Article 16 of the minute of its meeting of 20<sup>th</sup> May 2009, the Council had before it a report by the Chief Executive which provided an update on the actions which had been taken by the Leadership Board to address the findings and recommendations of the Accounts Commission for Scotland on *Aberdeen City Council: Reports by the Controller of Audit on the Audit of Best Value and Community Planning and on the Property Sales Investigation*.

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The report advised that since the end of the period of audit follow up work undertaken during April, Audit Scotland, SWIA and HMLe had been working on their reports in preparation for publication. The HMLe report relating to child protection had been published this day, and the reports from Audit Scotland and SWIA were to follow in late July or early August. The latter two reports would be brought to the Council at its meeting on 19<sup>th</sup> August 2009. Action plans to continue to deliver the necessary improvements would be submitted to the Council at its meeting on 30<sup>th</sup> September 2009.

The report added that arrangements were underway with the members of the External Support Group to hold a final meeting with the Leadership Board before the end of August.

**The report recommended:-**

that the Council -

- (a) note the progress to date in addressing the findings and recommendations of the Accounts Commission for Scotland on *Aberdeen City Council: Reports by the Controller of Audit on the Audit of Best Value and Community Planning and on the Property Sales Investigation*; and
- (b) instruct the Chief Executive and other appropriate officers to proceed with all necessary actions, reporting back as required to the Leadership Board.

**The Council resolved:-**

to approve the recommendations.

**SUSPENSION OF STANDING ORDERS**

**Prior to considering the following item of business the Council agreed to suspend Standing Orders 2(1) (Term of Office of Lord Provost, Depute Provost and Conveners) and 28(1) (Committees of the Council).**

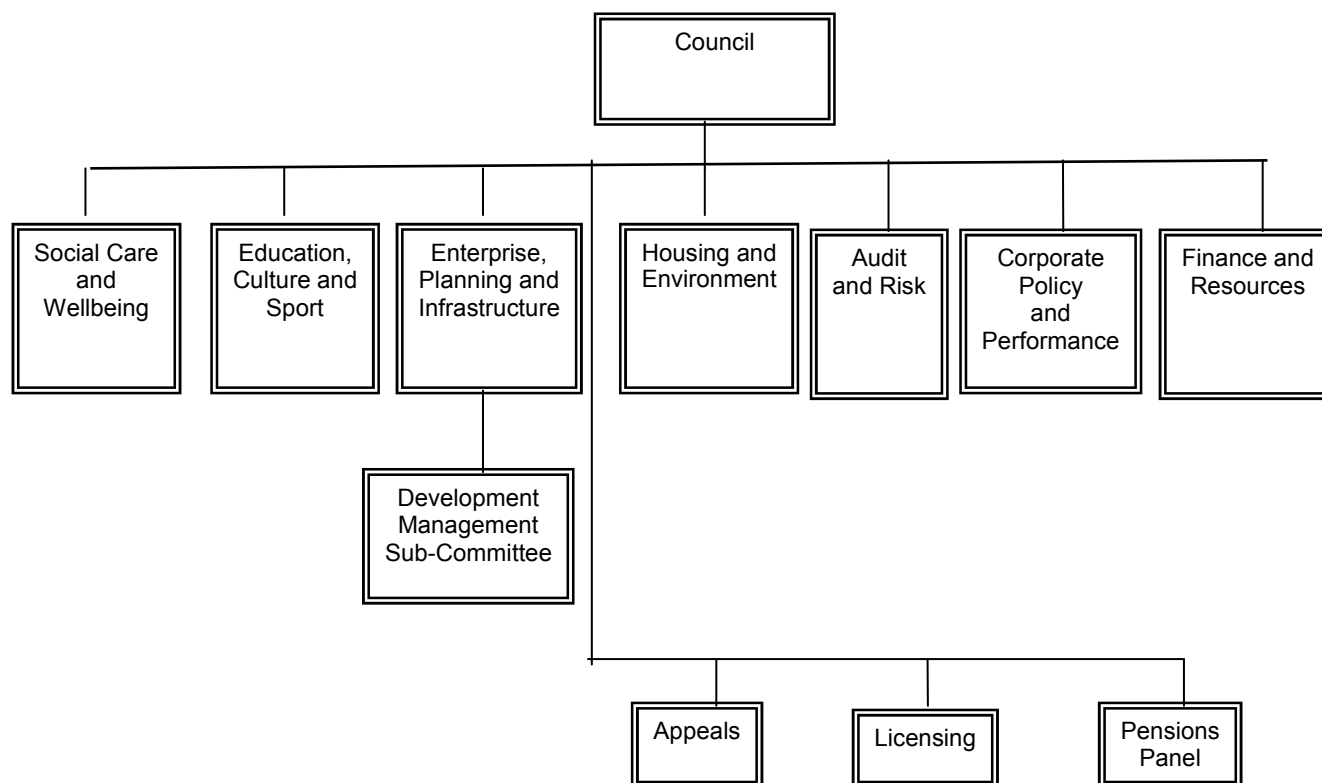
**7 COMMITTEE STRUCTURES**

The Council had before it a report by the Chief Executive which sought approval for a new committee structure, and Orders of Reference, and a calendar of meetings for the remainder of 2009 and for 2010.

The report proposed that the new committee structure reflect the new service structure directly, except that there would be two core committees for the functions of the Director of Corporate Governance, namely Corporate Policy and Performance and Finance and Resources. The structure proposed for committees was as follows:-

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The report appended proposed Orders of Reference for each committee and a draft diary of meetings for the remainder of 2009 and for 2010. The report proposed that the Planning Committee be replaced by the Development Management Sub-Committee reporting to the Enterprise, Planning and Infrastructure Committee.

The report discussed the allocation of seats on the various committees, highlighting that the proportions of the aggregate number of seats on committees applicable to each group were as follows:-

Liberal Democrat	-	15/43 =	34.9%
SNP	-	13/43 =	30.2%
Labour	-	10/43 =	23.3%
Conservative	-	4/43 =	9.3%
Independent	-	1/43 =	<u>2.3%</u>
			100%

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Appended to the report were examples of committee sizes, with corresponding compositions based on the proportions set out above. The report explained that the committees affected were the seven new core committees and the Licensing and Appeals Committees.

**The report recommended:-**

- (a) that the Council approve the committee structure set out below, comprising the following committees:-

<b>Core Committees</b>	<b>Regulatory Bodies</b>
Social Care and Wellbeing	Development Management Sub-Committee
Education, Culture and Sport	Appeals
Enterprise, Planning and Infrastructure	Licensing
Housing and Environment	Pensions Panel
Audit and Risk	
Corporate Policy and Performance	
Finance and Resources	

- (b) that the Orders of Reference for each committee appended to the report be approved, together with the proposed Orders of Reference for the Development Management Sub-Committee;
- (c) that the diary for the remainder of 2009 and for 2010 (which continued with the present six-week cycle of meetings) as appended to the report be approved;
- (d) that the Head of Democratic Services be instructed to prepare draft Standing Orders in consultation with the Leadership Board over the summer recess and make recommendations to Council on 19<sup>th</sup> August;
- (e) that, based on the guidance contained within a further appendix to the report, Council agree the size and composition of each of the undernoted committees and agree to appoint members accordingly (it should be noted that it was not, at present, proposed to amend the size of either the Appeals Committee or the Pensions Panel):-

Social Care and Wellbeing  
Education, Culture and Sport  
Enterprise, Planning and Infrastructure  
Housing and Environment  
Audit and Risk  
Corporate Policy and Performance  
Finance and Resources

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Licensing

- (f) that the Council agree the size and composition of the Development Management Sub-Committee and appoint members accordingly;
- (g) that the Council appoint a Convener and Vice Convener to each of the undernoted core committees and to as many of the regulatory bodies as deemed appropriate:-

<b>Core Committees</b>	<b>Regulatory Bodies</b>
Social Care and Wellbeing	Development Management Sub-Committee
Education, Culture and Sport	Appeals
Enterprise, Planning and Infrastructure	Licensing
Housing and Environment	Pensions Panel
Audit and Risk	
Corporate Policy and Performance	
Finance and Resources	

In respect of the Audit and Risk Committee, it was recommended that this be chaired by a member of the largest opposition group on the Council. In respect of the Development Management Sub-Committee, it was proposed that the Convener also chair the Local Review Body (Council having agreed previously that this be chaired by the Convener of the Planning Committee);

- (h) that the Council agree the senior allowances to be paid, bearing in mind that of the 19 allowances permissible, it had agreed that such allowances be provided for the Depute Provost, the Depute Leader of the Council and the Leaders of the opposition parties. (Separate provision was made for allowances for the Civic Head and Leader of the Council, which the Council had also agreed);
- (i) that the existing church and trade union representatives on the Policy and Strategy (Education) Committee be appointed to the Education, Culture and Sport Committee; and
- (j) that the Council reappoint the Urgent Business Committee, that seats thereon be allocated proportionally, and that the continuing need for the Urgent Business Committee be reviewed by August 2010.

At this juncture Councillor Crockett made reference to the fact that Councillor Dean was no longer Leader of the Liberal Democrat Group and would be standing down as Leader of the Council from 1<sup>st</sup> August 2009 - Councillor Crockett expressed his appreciation for Councillor Dean's contribution to Aberdeen City Council and stated that she was due great credit for the service that she had given. Councillor Crockett's words



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were echoed by the Lord Provost and Councillors Milne, Kevin Stewart, Fletcher, John Stewart and Wisely, who paid their own personal tributes. Councillor Kevin Stewart also paid tribute to Councillors Clark and Kirsty West who were standing down from senior positions and thanked them for their valued contributions.

Councillor Dean thanked all members for the support they had given her over the years and stated that she had mixed feelings about leaving her position as Leader of the Council, which had been largely a marvellous experience. Councillor Dean called on the Council to rally behind the Leader of the Council elect, Councillor John Stewart. Councillor Dean also expressed her gratitude to officers across the Council for their help and guidance.

**The Council resolved:-**

- (i) to thank the Chief Executive, the Head of Service Office of the Chief Executive, the Head of Democratic Services, Vikki Cuthbert, Martin Allan and Stephanie Dunsmuir for their work in preparing the report;
- (ii) to approve option 1 in Appendix C to the report vis-à-vis the size of the committees in respect of recommendation (e), namely a basic committee size of 15, including the Licensing Committee, one committee of 18 and an Appeals Committee of 9;
- (iii) to approve the appointments as undernoted with effect from 1<sup>st</sup> August 2009:-

**Lord Provost** - Councillor Peter Stephen

**Depute Provost** - Councillor Jackie Dunbar (Depute Provost John West having intimated his resignation from that post from 31<sup>st</sup> July)

**Leader of the Council** - Councillor John Stewart

**Depute Leader of the Council** - Councillor Kevin Stewart

**Social Care and Wellbeing Convener** - Councillor Jim Kiddie

**Social Care and Wellbeing Vice Convener** - Councillor Gordon Leslie

**Education, Culture and Sport Convener** - Councillor Andy May

**Education Culture and Sport Vice Convener** - Councillor Jennifer Stewart

**Enterprise, Planning and Infrastructure Convener** - Councillor John Stewart

**Enterprise, Planning and Infrastructure Vice Convener** - Councillor Callum McCaig

**Housing and Environment Convener** - Councillor Aileen Malone

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**Housing and Environment Vice Convener** - Councillor Mark McDonald

**Audit and Risk Convener** - Councillor Neil Cooney

**Audit and Risk Vice Convener** - Conservative member to be determined

**Corporate Policy and Performance Convener** - Councillor Kate Dean

**Corporate Policy and Performance Vice Convener** - Councillor John West

**Finance and Resources Convener** - Councillor Kevin Stewart

**Finance and Resources Vice Convener** - Councillor Neil Fletcher

**Development Management Sub-Committee Convener** - Councillor John Stewart

**Appeals Committee Convener** - Councillor Irene Cormack

**Licensing Committee Convener** - Councillor John Reynolds

**Pensions Panel Convener** - Councillor Neil Fletcher

- and to recommend to the **Licensing Board** that Councillor Muriel Jaffrey continue as its Convener;
- (iv) to review the position within six months of 1<sup>st</sup> August 2009, particularly in regard to the operation of the Corporate Policy and Performance and Finance and Resources Committees;
  - (v) that the levels of remuneration be considered at the next meeting of the Urgent Business Committee;
  - (vi) to request officers to remove all references to Neighbourhood Services from the proposed Orders of Reference, and that these be resubmitted to the Council along with the revised Standing Orders; and
  - (vii) otherwise to approve the recommendations.

## **8 CORPORATE GOVERNANCE ARRANGEMENTS**

The Council had before it a report by the Chief Executive which requested formal delegation of full responsibilities for budgets and operations to new appointees at Director level.

The report explained that appointments to the new Corporate Director posts were expected to be made during June 2009. On arrival, the Directors would be presented

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with draft revised schemes of delegation and financial regulations, which they would be expected to contribute to in line with their service and Council requirements. The report anticipated that the revised documents would be presented to the Council for approval as soon as practicable. Until such time, existing delegations, regulations and policies would remain unaffected.

**The report recommended:-**

that the Council -

- (a) note that Directors, upon appointment, would review and contribute to the preparation of delegated powers for their services; and
- (b) grant incoming Directors full control of, and accountability for, service budgets, the control and management of which must fall within existing authorisations as set out in the Council's Standing Orders, Financial Regulations and corporate monitoring procedures.

**The Council resolved:-**

- (i) to approve the recommendations; and
- (ii) to agree that the draft revised schemes of delegation be considered by the Leadership Board prior to being submitted to Council for approval.

**DECLARATIONS OF INTEREST**

**Councillors Kiddie, Kevin Stewart and Yuill declared interests in the following item of business by virtue of their membership of UNISON, a response from which was tabled at the meeting. None of the Councillors referred to considered that the nature of their interest required them to leave the meeting.**

**9      PROGRESS IN MANAGEMENT RESTRUCTURING**

The Council had before it a report by the Chief Executive which provided an update on the progress that was being made in management restructuring and sought agreement on the process to be followed for the next phase.

The report advised that the interviews for the Director posts would be completed by the end of June. Once appointed, the new Directors would work with the Chief Executive to refine the sub-structure of their services with a view to bringing forward finalised job descriptions and role profiles for Head of Service posts. The Urgent Business Committee of 22<sup>nd</sup> April 2009 (Article 2 of the minute refers) agreed the job description

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and role profile for the post of Head of Children's Services - the Director of Social Care and Wellbeing would be asked to progress the appointment process for this post in line with the arrangements set out in the report.

The report recommended that in order to progress the recruitment process Standing Order 47(3) continue to be set aside which would allow the Appointment Panel which had been established for the Director posts to progress the recruitment process for the Head of Service posts. The report reminded members that the Appointment Panel comprised 3 Liberal Democrat members, 3 SNP members including the Convener of the Resources Management Committee, 2 Labour members, 1 Conservative member and Councillor Boulton as an Independent member.

The report also recommended that the salary for each Head of Service post be £68,592. However, the Chief Executive would work with the appropriate Directors to bring forward objective proposals for the salaries for the statutory posts of Section 95 Officer and Monitoring Officer in recognition of their unique role in providing advice to the whole Council. In addition, recommendations would also be brought forward in relation to the post of Appointed Officer (Planning) and the role of Chief Social Work Officer.

Lastly, the report highlighted that an external resource would need to be engaged to assist with the selection process, which would be sourced through a tender process. Working with the Chief Executive and the appropriate Directors, the external recruitment resource would be expected to develop advertising, including both print media and a microsite, together with undertaking appropriate executive searches for each of the posts.

**The report recommended:-**

that the Council -

- (a) note the Chief Executive's verbal progress report in respect of the appointment process for the Director posts;
- (b) agree that the Chief Executive and the new Directors refine the sub-structure of the services and bring forward for agreement in early course finalised job descriptions and role profiles for Head of Service posts;
- (c) agree that Standing Order 47(3) continue to be set aside thus allowing the Appointment Panel established for the Director posts to progress the recruitment process for the Head of Service posts;
- (d) agree that consistent with the decision of Council of 25<sup>th</sup> March 2009 (Article 18 of the minute refers) in respect of the Director posts, the Head of Service posts should be subject to open competitive arrangements;

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- (e) agree that the salary for each of the Head of Service posts would be £68,592 (Chief Officer spinal column point 30);
- (f) agree that objective proposals be brought forward on the salaries for the statutory posts of the Section 95 Officer and the Monitoring Officer in recognition of their unique role in providing advice to the whole Council and in addition agree that salary recommendations would also be brought forward in relation to the post of Appointed Officer (Planning) and the role of Chief Social Work Officer;
- (g) agree that an external recruitment resource be appointed by way of a tender process;
- (h) agree that the second tier Chief Officer post currently permanently established and shared with Aberdeenshire Council in respect of procurement be maintained and would not be subject to the recruitment arrangements set out in the report; and
- (i) agree that the Director for Social Care and Wellbeing be requested to progress the appointment of the Head of Children's Services post in line with the arrangements set out above.

The Chief Executive advised that Fred McBride was due to start as Director of Social Care and Wellbeing the following week. Pete Leonard had been appointed Director of Housing and Environment with immediate effect. Annette Bruton had been appointed Director of Education, Culture and Sport and would start once her notice had been negotiated with her current employer, Her Majesty's Inspectorate of Education. Gordon McIntosh had been appointed Director of Enterprise, Planning and Infrastructure with immediate effect. The Chief Executive added that Gordon Edwards, John Tomlinson and Abigail Tierney would be leaving the Council, and that this was Abigail's last day. Philip Cotterill would also be leaving the Council and this was his last Council meeting.

**The Council resolved:-**

to approve the recommendations.

**10 PETERHEAD PRISON VISITING COMMITTEE - APPOINTMENT OF REPLACEMENT MEMBER**

With reference to Article 18 of the minute of Council of 11<sup>th</sup> February 2009, the Council had before it a report by the Corporate Director for Resources Management requesting that an appointment be made to Peterhead Prison Visiting Committee to replace a member who had passed away.

The report explained the role of Peterhead Prison Visiting Committee in acting on behalf of the First Minister as independent observers concentrating on the conditions in

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the prison and, in particular, the treatment of prisoners. The report advised that every member of the Visiting Committee had the right to enter the establishment at any time and to have access to every part of it, and to every prisoner. The report noted that a visiting rota was arranged, with a minimum of two members visiting every fortnight.

The report reminded members that the Council, at its meeting on 11<sup>th</sup> February 2009, had agreed to invite nominations from Community Councils, the Civic Forum and the political group observers at the Town House. This had been carried out and two nominations had been received - the first from Bridge of Don Community Council which nominated Mr William Stark and the second from the Civic Forum, which nominated Mrs Eileen Grassick of Tillydrone Community Council. The report then provided background information in respect of each of the nominees.

**The report recommended:-**

that one of the two nominees be appointed to Peterhead Prison Visiting Committee, joining Councillor Donnelly and Mr W Magee.

On a division, there voted:-

For Mr William Stark (26) - Depute Provost John West; and Councillors Boulton, Clark, Corall, Cormack, Cormie, Dean, Dunbar, Fletcher, Greig, Jaffrey, Kiddie, Leslie, McCaig, McDonald, Malone, May, Milne, Penny, Reynolds, Robertson, Jennifer Stewart, Kevin Stewart, Wendy Stuart, Wisely and Yuill.

For Mrs Eileen Grassick (9) - Councillors Adam, Collie, Cooney, Crockett, Donnelly, Graham, Ironside, John Stewart and Young.

Declined to vote (4) - Lord Provost Peter Stephen; and Councillors Farquharson, Noble and Kirsty West.

Absent from the division (2) - Councillors Cassie and Hunter.

**The Council resolved:-**

- (i) to appoint Mr William Stark to Peterhead Prison Visiting Committee; and
- (ii) that officers notify Mrs Eileen Grassick of the appointment, and that she would be appointed to Peterhead Prison Visiting Committee the next time a position became vacant if she was still interested.

**11 NEW ABERDEEN CITY COUNCIL DRINKING IN PUBLIC PLACES BYE-LAW 2009**

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The Council had before it a report by the Corporate Director for Resources Management which sought permission for a new Aberdeen City Council Drinking in Public Places Bye-law 2009.

The report reminded members that the Council currently had in place a bye-law enacted in 2002 which prohibited drinking in public places anywhere within the city boundaries. As a result of changes to licensing law under the terms of the new Licensing (Scotland) Act 2005, which would come fully into force on 1<sup>st</sup> September 2009, the existing bye-law needed to be updated, and this had to be done by enactment of a new bye-law to replace the current one. Additional amendments were also being made in accordance with comments from Grampian Police and the Council's Licensing Team.

The report explained that Grampian Police had requested that the new bye-law be amended to include the following two provisions in order to assist them in enforcing the bye-law and therefore help tackle and reduce anti-social behaviour:-

- removal of the inference that analysis of the liquid inside a container was required in order to prove that it was an alcoholic drink before a breach of the bye-law could be proved
- inclusion of a provision that it was an offence for a person to be in possession of an open container of alcohol in a public place where it was reasonable to infer that they intended to drink from it

The amendment proposed by the Licensing Team was the inclusion of a provision specifically stating that it was not an offence under the terms of the bye-law to drink alcohol in beer gardens or other external seating areas which allowed alcoholic drinks to be consumed on land adjacent to licensed premises.

The proposed new bye-law, which was appended to the report, had been approved by both Grampian Police and the Procurator Fiscal.

**The report recommended:-**

that the Council instruct the City Solicitor to undertake the processes necessary to enact the new bye-law which would replace the bye-law which was currently in operation.

**The Council resolved:-**

to approve the recommendation.

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**MATTER OF URGENCY**

**The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency to enable the Council to consider the Draft Annual Accounts by 30<sup>th</sup> June 2009.**

**12 DRAFT ANNUAL ACCOUNTS 2008/09**

The Council had before it (1) a report by the City Chamberlain which explained the background to the preparation of the Council's Draft Annual Accounts for the financial year 2008/09; and (2) a copy of the Draft Annual Accounts.

The report explained that the Council was required by statute to annually present a set of Draft Annual Accounts to Audit Scotland by 30<sup>th</sup> June 2009, and that elected members should receive a copy of these accounts by that date.

The report explained that the General Fund Revenue Account had increased in value by £6.087million and this had been created as a result of four significant factors (1) an operational surplus of £0.918million; (2) a transfer of funds from the Capital Fund of £10.645million; (3) permitted borrowing of £6.525million; and (4) the use of earmarked sums to the value of £12.001million. The report outlined that for comparative purposes, it should be noted that the revised budget had included within it the use of balances amounting to £2.174million, therefore the operational surplus when compared to budget was £3.092million.

The report explained that the unaudited year end operational surplus reflected an improvement of £11.601million when compared to the estimated position previously reported to the Budget Monitoring Board. The report explained that the favourable movement since the March 2009 monitoring report was due to reduced costs associated with the delivery of social work services, a significant reduction in the estimated costs of repairs and maintenance costs, further savings achieved against Capital financing costs, additional income derived from interest on revenue balances and lower costs in relation to the corporate investment and modernisation funds.

The report stated that overall in analysing the final unaudited position compared to budget, significant elements that made up the movement had, to a large extent, been identified and explained throughout the year within the regular monitoring reports to the Budget Monitoring Board.



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The report also provided information in relation to the Housing Revenue Account, Capital Expenditure and the Common Good.

The report concluded that the outturn for the Common Good was better than had been budgeted and forecast. The Housing Revenue Account draft outturn was broadly in line with budget, although an area of further review would be repairs and maintenance costs. Total capital expenditure in 2008/09 was £117.553million, of which £48.427million had been spent on the Housing Revenue Account programme and £62.601million on the Non-Housing programme. A further £6.525million related to Consent to Borrow granted during the year by the Scottish Government to fund specific costs in relation to equal pay and modernisation and redundancy.

**The report recommended:-**

that the Council -

- (a) note the draft accounts, which would be submitted to Audit Scotland by 30<sup>th</sup> June 2009;
- (b) note that the audited financial statements would be presented to the Scrutiny Panel, along with the external auditor's report to members in the autumn, and would come back to a Council meeting thereafter;
- (c) note the actual position and the better than projected outturn on the General Fund;
- (d) note the position on the Housing Revenue Account;
- (e) note the capital expenditure levels for the year and the means by which this was funded;
- (f) note the adverse movement in the Common Good;
- (g) note that under the Internal Trading Account requirements all of the services classified as significant trading operations, with the exception of Property Letting, had achieved a cumulative surplus on an aggregate rolling basis over the three year period from 1<sup>st</sup> April 2006;
- (h) note and approve, as detailed in the report, the earmarked sums and commitments and the consequential uncommitted working balances remaining, for the General Fund, Housing Revenue Account and Common Good, based on the outlined commitments;
- (i) note that in accordance with the strategy agreed by the Resources Management Committee at its meeting of September 2006, on how best to utilise the capital income from the sale of assets to facilitate the restoration of revenue balances, there was an improved reserves and balances position at the year end; and
- (j) note that a fuller analysis of financial outturn against budget would be presented to the Budget Monitoring Board and the Resources Management Committee.

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**The Council resolved:-**

to approve the recommendations.

**DECLARATION OF INTEREST**

**Councillor Yuill declared a pecuniary interest during the course of the following item of business by virtue of his employment and left the meeting for the remainder of its consideration.**

**13 SOCIAL CARE AND WELLBEING UPDATE**

The Council had been circulated this day with the HMle report on the joint interim follow-through inspection of services to protect children and young people in the Aberdeen City Council area, and was addressed by the Programme Director for Social Care who summarised the report and provided a general update in respect of social care and wellbeing.

The Programme Director referred to the situation in which he had inherited social work services across the Council in June 2008, following inspections by SWIA and HMle earlier that year. The initial HMle report on child protection services published in November 2008 had been critical of the Council's performance generally, however the follow up report published this day told a different story. HMle concluded that:-

- All agencies had responded positively to the issues raised in the original report
- There had been an acceptance of the shared responsibilities across services for improving child protection services
- The Council had embarked on a major restructuring of services which would provide a firm foundation for further sustainable improvements
- There had been significant improvements in leadership and direction, which had been helpful in seeing child protection as a corporate responsibility
- There had been improvements in communication, and in the involvement of and support to staff
- Management roles had been clarified
- Social work staff were generally positive and encouraged by these developments
- Social care staff were reporting greater confidence in working in a more open and supportive environment within workable structures
- Joint working across services had improved
- The Police, Health Service and Children's Reporter had made a significant contribution to these improvements

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The Programme Director emphasised that the work to date in relation to child protection services had merely been relaying the foundations, and that there was still much to do. A new structure for Children's Services was in the process of being implemented and a number of new initiatives had been undertaken, such as a group of young people playing an active role in the rigorous recruitment process in appointing the new Director of Social Care and Wellbeing. The Programme Director stated that he wanted to see much greater connection between young people and elected members and this was one reason why he supported the decision to establish a Social Care and Wellbeing Committee, where this relationship could be more easily explored.

Lastly in relation to Children's Services, the Programme Director advised that the Care Commission had reported favourably on the work of front line social work services throughout the year, with the latest report containing two excellent and six very good ratings out of eight domains, with no recommendations for improvements.

The Programme Director then turned his attention to services to Adults, where the Council needed to continue to modernise. Purchasers, providers, users and citizens needed to work with the Council in new accord. There was a need to change roles and responsibilities where all sides could work together to achieve care which would meet individual need through joint commissioning in an active and willing partnership. The Council had embarked on new roundtable dialogue with these partners in care through a series of Kaizan events.

The Programme Director then touched upon issues relating to residential care in learning disabilities and the work that had been done in developing the Council's commissioning, contracting and community engagement strategies. In regard to financial issues, the Programme Director stated that a revised budget had been agreed for social work services in the autumn of 2008, and that targets had been met in 2008/09.

The Programme Director advised that SWIA would be publishing the results of the follow up inspection that took place in April next month, and that he had every confidence that the report would make far more comfortable reading than the initial inspection report. The Council needed to build on the work that had been done in relation to these inspections and ensure that quality management and scrutiny was in place to ensure that quality assurance could be seen.

The Programme Director stated that he would remain in Aberdeen until the end of July to support the new Director for Social Care and Wellbeing and ensure a smooth transition, and thanked the Lord Provost, Robert Coomber, Sue Bruce, Directors, all

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staff and elected members for the support and encouragement that had been given to him during the past twelve months.

The Council then heard various members pay tribute to the work that Philip Cotterill, Programme Director for Social Care, had done over the last twelve months in transforming social work services. Councillor Kiddie also paid tribute to Councillor Leslie who had overseen that period as Lead Councillor for Health and Care.

**The Council resolved:-**

- (i) to note the HMle report and the oral report from the Programme Director for Social Care; and
- (ii) to record its appreciation for the efforts of the Programme Director for Social Care and his team over the last year.

**DECLARATION OF INTEREST**

**Councillor Dunbar declared an interest in the following item of business by virtue of the fact that three generations of her family had served in the Gordon Highlanders. Councillor Dunbar did not consider that the nature of her interest required her to leave the meeting.**

**14 MOTION**

Councillors Dunbar and Reynolds and Lord Provost Peter Stephen, pursuant to notice, moved:-

“That this Council funds and erects a commemorative statue to the Gordon Highlanders. They are part of this city’s history and heritage and should be honoured and remembered with pride and gratitude for all they have done for this city and the country, being described by Winston Churchill as “there is no doubt they are the finest regiment in the world”.”

**The Council resolved:-**

- (i) to add “and British military” after “they are part of this city’s” within the second sentence of the motion; and
- (ii) to establish a cross party sub-group to take the motion forward and to invite the Gordon Highlanders to become members.

**15 LADY ABERDEEN**

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The Lord Provost referred to the recent passing of Lady Aberdeen, June Gordon, Marchioness of Aberdeen and Temair, and advised that he had written to the family expressing the Council's sincere condolences.

**The Council resolved:-**

to concur with the remarks of the Lord Provost.

**16 ABIGAIL TIERNEY, CORPORATE DIRECTOR FOR STRATEGIC LEADERSHIP**

The Lord Provost highlighted that this was Abigail Tierney's last Council meeting before leaving the Council for another position at Leicestershire NHS Trust, and invited her to address the Council.

Dr Tierney thanked all elected members for making her feel so welcome during her time at the Council and helping her to learn so much. Dr Tierney intimated that she was confident that the Council was on the right track to achieving something special.

Councillors Dean, Kevin Stewart, Crockett, Milne and Boulton paid tribute to Dr Tierney and thanked her for her service to the Council.

**The Council resolved:-**

to concur with the remarks of the aforementioned elected members.

**17 DEPUTE PROVOST JOHN WEST**

The Lord Provost noted that this was Depute Provost John West's last Council meeting as Depute Provost and thanked him for his assistance in the role since May 2007, which had seen him deputise for the Lord Provost on a number of occasions.

Depute Provost John West stated that it had been an immense pleasure working alongside the Lord Provost and that he had learned a great deal from him.

**The Council resolved:-**

to concur with the remarks of the Lord Provost.

**18 ART GALLERY REDEVELOPMENT**

The Council had before it a report by the Lead Director for Culture and Learning which advised of progress for proposals to redevelop Aberdeen Art Gallery which would

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identify a number of previously identified building related matters in need of attention, as well as highlighting the major contribution James McBey made to 20<sup>th</sup> century art.

The report explained that the Marguerite McBey Trust had initially expressed its wish to revitalise the McBey Room in the Art Gallery, and that officers had proposed three options, one of which incorporated improvements within a wider redevelopment of the Art Gallery and the Cowdray Hall complex. The Trust agreed to allocate £75,000 from its funds to enable the Council's architects to begin a feasibility study into the wider proposal.

A brief for the scheme had been prepared, which was appended to the report, which focused on how physical access into and around the gallery building could be improved for visitors, as well as for staff and general operation. Improvements to environmental conditions would be a key component of the work. It had been recognised that there was a considerable need to invest in the gallery, to protect the collection and the building itself, and to enable the city to meet the ever increasingly stringent conditions imposed by lending institutions.

The report went on to explain what would be achieved by the proposed redevelopment. In 2008, officers within Resources Development and Delivery had commenced the process of inviting interested parties to bid to take part in the design study scheme - 18 submissions were received and evaluated, which led to a shortlist of six organisations. A panel had been formed to determine the successful bidder from the shortlist.

The report estimated that the redevelopment of the Art Gallery site would cost around £20million. It was expected that the redevelopment scheme would be eligible for Heritage Fund Lottery grants, as well as requiring much wider fundraising.

**The report recommended:-**

that the Council -

- (a) note the work in hand;
- (b) support the future redevelopment of the Art Gallery in principle;
- (c) instruct officers to report on the proposals developed; and
- (d) instruct officers to report in due course on proposals for funding the redevelopment, to include external sources of funding, grants and from the Non Housing Capital Programme.

**The Council resolved:-**

to approve the recommendations.

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## **19 ARTISTS ROOMS: REQUEST FOR FUNDING FROM COMMON GOOD**

The Council had before it a report by the Lead Director for Culture and Learning which provided details of the forthcoming ARTIST ROOMS project at Aberdeen Art Gallery and requested funding from the Common Good Fund to bring additional work to Aberdeen.

The report explained that the ARTIST ROOMS project was a nationwide celebration of contemporary art, a collection of 725 modern works which was gifted to the nation by the leading art dealer Anthony d'Offay, with financial assistance from the Art Fund. The collection included 25 of the most celebrated artists of the late 20<sup>th</sup> century, including Andy Warhol, Diane Arbus, Bill Viola and Ron Mueck.

The report advised that solo exhibitions of each artist's work would be exhibited throughout the UK in 2009 on a rolling programme. This was the first time a national collection had been shared and shown simultaneously across the UK in 18 Associate galleries. The project was managed by Tate Modern and the National Galleries of Scotland, and Aberdeen Art Gallery and Museums had been chosen to become one of the five Scottish Associates.

The report stated that additional funding was required specifically to bring and install an additional exhibit, A Girl (Large Baby) by Ron Mueck, on loan from the National Galleries of Scotland to enhance the exhibition and to show additional pieces owned by Anthony d'Offay which were not included in the ARTIST ROOMS project. The report explained that the total cost of the exhibition was estimated at £35,656, and that £26,275 of funding had been identified leaving an estimated deficit of £9,381.

**The report recommended:-**

that the Council allocate a sum of no more than £10,000 from the Common Good Fund to the project.

**The Council resolved:-**

to approve the recommendation.

## **20 CURRICULUM FOR EXCELLENCE DEVELOPMENT OFFICERS - LEARNING & TEACHING, ASSESSMENT AND REPORTING**

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The Council had before it a business case by the Lead Director for Culture and Learning which sought approval for the establishment of four posts of Development Officer for Curriculum for Excellence on a one year fixed term basis.

The business case stated that the next year would be a key phase in the development of Curriculum for Excellence with the release of guidance on assessment and a final planning year for secondary schools before the new examination courses started in 2010/11. With learning and teaching at the heart of the change to improve standards in education, the four proposed posts would support new high quality learning and teaching approaches. The Council was also seeking to support schools in sharing practice within the city and together with Moray Council as part of an inter-authority team.

The business case explained that the total maximum cost of each post in a full year would be £51,627, and that the maximum impact on the current year would be £34,428 per post. Funding would be derived from two sources - one post would be funded from the existing Curriculum for Excellence implementation budget and the other three from external funding provided by the Scottish Government.

**The Council resolved:-**

to approve the establishment of four posts of Development Officer for Curriculum for Excellence on a one year fixed term basis.

**MATTER OF URGENCY**

**The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency to ensure continuity of a bus service for Peterculter and Garthdee.**

**21 SUPPORTED LOCAL BUS SERVICES - PETERCULTER/GARTHDEE AND NIGHT BUSES TO NORTHFIELD AND GARTHDEE**

The Council had before it a report by the Lead Director for Environment and Infrastructure which reviewed the supported bus service budget commitment to two night time bus services.

The report considered the award of a contract to operate a replacement bus service for Peterculter - Cults - Garthdee - City Centre to Stagecoach Bluebird to replace the



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commercial service 24 which First Aberdeen would cease to operate from 13<sup>th</sup> July 2009.

**The report recommended:-**

that the Council instruct the Lead Director for Environment and Infrastructure to implement one of the following options:-

**Option 1**

If monies were available from ASDA and Sainsbury's as part of the Section 75 Agreements for funding a bus service:-

- (a) award the contract for the 'Peterculter Commuter' bus service to Stagecoach Bluebird to start operating the service from 13<sup>th</sup> July 2009; and
- (b) continue with the night buses at present.

**Option 2**

If monies were not available from ASDA and Sainsbury's as part of the Section 75 Agreements for funding a bus service:-

- (a) cancel the night bus services to Northfield and Garthdee with effect from 26<sup>th</sup> October 2009; and
- (b) award the contract for the 'Peterculter Commuter' bus service to Stagecoach Bluebird to start operating the service from 13<sup>th</sup> July 2009.

**Option 3**

If monies were not available from ASDA and Sainsbury's as part of the Section 75 Agreements for funding a bus service:-

- (a) to allow the No. 24 service to cease and continue with the night buses as present.

**The Council resolved:-**

to refer the report to the next meeting of the Urgent Business Committee.

**MATTER OF URGENCY**

The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency to ensure that the Council operated within the boundaries set by the Prudential Code indicators.

**DECLARATION OF INTEREST**

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**Councillor Kevin Stewart declared an interest during the course of discussion on the following item of business by virtue of his position as Chairperson of NESTRANS, however he did not consider that the nature of his interest required him to leave the meeting.22 2009/10 TO 2011/12**  
**PRUDENTIAL INDICATORS**

The Council had before it a report by the City Chamberlain which provided information in relation to the Prudential Code indicators that required to be set for the financial years 2009/10 to 2011/12 as required by Part 7 of the Local Government in Scotland Act.

**The report recommended:-**

that the Council -

- (a) consider the information contained within the report and set the Prudential indicators for the financial years 2009/10 to 2011/12 based on the approved budgets set to date; and
- (b) instruct the City Chamberlain to monitor the indicators and report back to the Council on the position with regard to the indicators where appropriate.

**The Council resolved:-**

to approve the recommendations and the Prudential indicators as undernoted.

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**THE PRUDENTIAL CODE**  
**For Capital Finance in Local Authorities**

The following Prudential Indicators are set for the Council:

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	Capital Expenditure				
	2007/08 £000 Actual	2008/09 £000 Estimate	2009/10 £000 Estimate	2010/11 £000 Estimate	2011/12 £000 Estimate
Total non-HRA	53,378	69,126	56,799	75,922	51,372
HRA	33,926	48,427	51,747	49,952	47,164
<b>Total</b>	<b>87,304</b>	<b>117,553</b>	<b>108,546</b>	<b>125,874</b>	<b>98,536</b>

	Ratio of financing costs to net revenue stream				
	2007/08 Actual	2008/09 Estimate	2009/10 Estimate	2010/11 Estimate	2011/12 Estimate
Non-HRA	7.8%	7.2%	8.2%	8.8%	9.1%
HRA	11.5%	12.1%	15.5%	18.7%	22.5%

	Capital financing requirement				
	2007/08 £000 Actual	2008/09 £000 Estimate	2009/10 £000 Estimate	2010/11 £000 Estimate	2011/12 £000 Estimate
Non-HRA	322,216	363,182	388,734	397,528	390,713
HRA	138,093	160,651	187,800	214,631	240,560

The Prudential Code states:

“In order to ensure that over the medium term net borrowing will only be for a capital purpose, the local authority should ensure that net external borrowing does not, except

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in the short term, exceed the total of capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years.”

The City Chamberlain reports that the authority would have had no difficulty meeting this requirement in 2008/09, nor are any difficulties envisaged for the current or future years. This view takes into account current commitments, existing plans, and the assumptions in this report.

	Authorised limit for external debt			
	<b>2008/09</b> <b>£000</b>	<b>2009/10</b> <b>£000</b>	<b>2010/11</b> <b>£000</b>	<b>2011/12</b> <b>£000</b>
Borrowing	541,317	514,886	579,387	613,682
Other long term liabilities	16,849	16,392	15,995	15,598
<b>Total</b>	<b>558,166</b>	<b>531,278</b>	<b>595,382</b>	<b>629,280</b>

	Operational boundary for external debt			
	<b>2008/09</b> <b>£000</b>	<b>2009/10</b> <b>£000</b>	<b>2010/11</b> <b>£000</b>	<b>2011/12</b> <b>£000</b>
Borrowing	540,643	514,212	578,712	613,008
Other long term liabilities	60	0	0	0
<b>Total</b>	<b>540,703</b>	<b>514,212</b>	<b>578,712</b>	<b>613,008</b>

The estimate of the incremental impact of capital investment decisions proposed in this report, over and above capital investment decisions that have previously been taken by the Council are:

(a) for the Band D Council Tax

<b>2009/10</b> <b>£0</b>	<b>2010/11</b> <b>£0 (Prov.)</b>	<b>2011/12</b> <b>£0 (Prov.)</b>
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- (b) for average weekly housing rents (assuming that increased capital investment is financed by way of cfc and borrowing)

<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
£0.66	£0 (Prov.)	£0 (Prov.)

**EXEMPT INFORMATION**

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public from the meeting during consideration of the following items of business so as to avoid disclosure of exempt information of the class described in paragraphs 6 (Article 23) and 9 (Article 24) of Schedule 7(A) of the Act.

**MATTER OF URGENCY**

The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency as the matter required to be dealt with prior to the extension to the refinancing period coming to an end on 10<sup>th</sup> July 2009.

**23 3RS PROJECT - REFINANCING UPDATE**

With reference to Article 2 of the minute of meeting of the Urgent Business Committee of 28<sup>th</sup> May 2009, the Council had before it (1) a report by the Corporate Director for Resources Management which advised of the position on the work by the consortium (NYOP) to refinance the 3Rs Project as at 15<sup>th</sup> June 2009; and (2) an additional, more comprehensive, report by the Corporate Director for Resources Management which advised of the latest position as at 19<sup>th</sup> June 2009.

The additional report summarised the situation to date, advising that the Urgent Business Committee of 28<sup>th</sup> May 2009 had agreed a further extension to the refinancing period to 10<sup>th</sup> July 2009, which was conditional upon the consortium providing interim funding of £8.5million to fully fund the construction works in this period and no further funding from the Council.

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The report then detailed progress with construction on all of the operational sites and provided an update in respect of the refinancing arrangements. Landsbanki had met with Council representatives on 11<sup>th</sup> June 2009, and informed the Council that it was their intention to refinance the project through funds available to them in the United Kingdom - Landsbanki would therefore provide both the senior debt and junior debt funding. Council officers, and the Council's external advisers, were currently undertaking a detailed review of Landsbanki's proposals in relation to (1) the availability of funds; (2) the financial and commercial implications for the Council; (3) Scottish Government approval via the Scottish Futures Trust which would confirm the continued availability of Revenue Support Grant; and (4) Landsbanki's long term interests in the project.

In respect of contingency planning, the report appended a summary of the implications of a failure of the refinancing process. The appendix outlined the process the Council would need to go through to terminate the contract and the likely financial implications associated with this.

**The report recommended:-**

that the Council -

- (a) note the developing position regarding the funding arrangements for the 3Rs Project;
- (b) note the progress which had been made in the refinancing of the 3Rs Project by Landsbanki;
- (c) agree that an Urgent Business Committee be arranged as required, for the week commencing 29<sup>th</sup> June 2009 to provide a further update in relation to reaching financial close; and
- (d) note the contingency plan that had been put in place to ensure that the project would continue, as far as possible, should the refinancing option not be successfully completed.

**The Council resolved:-**

to approve the recommendations.

**MATTER OF URGENCY**

**The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency as the Resources Management Committee had referred it simpliciter to this meeting.**

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**DECLARATION OF INTEREST**

**Councillor John Stewart declared an interest in the following item of business by virtue of his appointment as a representative of the Council on the University of Aberdeen University Court but did not consider it necessary to withdraw from the meeting during consideration of the matter.**

**24 50 METRE POOL - SITE OPTIONS EVALUATION AND UPDATE IN PROCUREMENT PROCESS**

With reference to Article 41 of the minute of meeting of the Resources Management Committee of 16<sup>th</sup> June 2009, the Council had before it a report by the Lead Director for Culture and Learning, which provided an update on the outcome of the recent procurement process for project management and design team services for the 50 metre pool, which had been referred simpliciter by the Resources Management Committee.

Details of the six tenders that had been received for each service were set out in the report and confirmation had been received that the total price for the preferred bidder for project management services would not change, due to the extension of the project to mid 2012. The report advised that the University of Aberdeen would fund 50% of the works, through to stage D of the project for both project management and design team services. The costs for project management services through to stage D were expected to be approximately £67,000, and the costs for design team services through to stage D were expected to be approximately £430,000.

The report set out options for the site of the 50 metre pool and evaluations of the five options for the sites were detailed in the report.

**The report recommended:-**  
that the Council -

- (a) note the progress of the procurement process as set out in the report;
- (b) agree to the provisional allocation of land as per option E (link onto King Street) as the preferred option for the location of the 50 metre pool, subject to review with the involvement of the project management and design team service, and subject to the final land allocation not including the site currently occupied by

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Woodlands School, as recommended by the 50m Pool Project Board on 26<sup>th</sup> May 2009;

- (c) that subject to the approval of recommendation (b) above, agree to the addition of the existing access road to Linksfield Centre within the overall site allocation; and
- (d) request officers to report to a future Committee on the preferred construction timescale for the pool.

**The Council resolved:-**

to approve the recommendations.

**- PETER STEPHEN, Lord Provost.**